

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

Infogroup, Inc., Delaware corporation,

Plaintiff,

vs.

DatabaseUSA.com LLC, a Nevada
limited-liability company, and Vinod
Gupta,

Defendants.

8:14-CV-49

ORDER

The plaintiff has filed a motion ([filing 469](#)) for a judgment *nunc pro tunc*, contending that the Court's judgment ([filing 467](#)) judgment "inadvertently" omitted Vinod Gupta's joint and several liability for the \$43.6 million amount the jury awarded to the plaintiff. The Court will deny that motion.

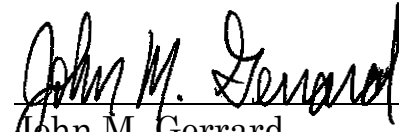
The function of a *nunc pro tunc* order is to correct clerical or ministerial errors, or to reduce an oral or written opinion to judgment; the function is not to make substantive changes affecting a party's rights. *United States v. Suarez-Perez*, 484 F.3d 537, 541 (8th Cir. 2007). It is an exercise of the Court's "inherent power . . . to make its records speak the truth—to record that which was actually done, but omitted to be recorded. It is no warrant for the entry of an order to record that which was omitted to be done." *Id.* In other words, the Court may not use such an order to "rewrite history." *Id.*

And that is what the plaintiff is asking the Court to do. Rightly or wrongly, the Court's judgment did not impose joint and several liability. Accordingly, if the plaintiff believes that was incorrect, its remedy is to ask the Court to alter or amend the judgment pursuant to [Fed. R. Civ. P. 59\(e\)](#).

IT IS ORDERED that the plaintiff's Motion for Corrective Order
Nunc Pro Tunc ([filing 469](#)) is denied.

Dated this 31st day of August, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge